ALLEGED SHIPMENT: On or about January 5 and February 19, 1949, by the Gattis Chemical Co., from Nashville, Tenn.

PRODUCT: 186 bottles of *Gattis' Worm Oil* at Asheville, N. C. Analysis showed that the product had the composition stated on its label.

LABEL, IN PART: "Gattis' Worm Oil Each Fluid Ounce Contains: 22 Mins. Oil Worm Seed, 12 Mins. Chloroform, 421 Mins. Castor Oil, Turpentine, Combined with Aromatics. Directions: Children 2 to 5 years old, one-half teaspoonful; 5 to 10 years old, one teaspoonful. Adults, one and a half teaspoonfuls. One dose morning and night; (May be given for 2 or 3 days if necessary.) * * * Net Contents 1 Fl. Oz."

NATURE OF CHARGE: Misbranding, Section 502 (j), the article was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, or suggested in its labeling.

DISPOSITION: May 31, 1949. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

2794. Misbranding of benzedrine sulfate tablets and benadryl hydrochloride kapseals. U. S. v. Harry Kaplan, pharmacist for Fienup's Drug Co. Plea of guilty. Fine, $501. (F. D. C. No. 26289. Sample Nos. 27025–K, 27745–K.)

INFORMATION FILED: December 14, 1948, Eastern District of Missouri, against Harry Kaplan, a pharmacist for Fienup's Drug Co., St. Louis, Mo.

INTERSTATE SHIPMENT: Between the approximate dates of January 22 and April 30, 1948, from Philadelphia, Pa., and Detroit, Mich., to St. Louis, Mo., of a number of bottles of *benzedrine sulfate tablets* and *benadryl hydrochloride kapseals.*

LABEL, WHEN SHIPPED: "Benzedrine Sulfate Tablets [or "Kapseals Benadryl Hydrochloride"] * * * Caution: To be dispensed only by or on the prescription of a physician."

ALLEGED VIOLATION: On or about May 26 and June 2, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be removed from the bottles in which they had been shipped, repacked the drugs into boxes, and sold them without a prescription, which acts by the defendant resulted in the repackaged drugs being misbranded. The repackaged *benzedrine sulfate tablets* were unlabeled. The repackaged *benadryl hydrochloride kapseals* were labeled "Benadryl 50 Mgn."

Misbranding, Section 502 (b) (1), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged drugs bore no label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the boxes containing the repackaged drugs bore no labeling containing directions for use. Further misbranding, Section 502 (e) (2), the repackaged *benzedrine sulfate tablets* were not designated solely by a name recognized in an official compendium and were fabricated from two or more ingredients, and they failed to bear a label showing the common or usual name of the active ingredient.

DISPOSITION: June 13, 1949. A plea of guilty having been entered, the court imposed a fine of $501.

2795. Misbranding of nephron tablets. U. S. v. 36 Cartons * * *. (F. D. C. No. 26575. Sample No. 49228–K.)

LIBEL FILED: June 17, 1949, District of New Mexico.

ALLEGED SHIPMENT: On or about January 12, 1949, by the Neoco Corp., from Los Angeles, Calif.

PRODUCT: 36 cartons, each containing 12 90-tablet bottles, of *nephron* at Albuquerque, N. Mex.

LABEL, IN PART: "Nephron 90 Tablets * * * Each tablet contains: Kidney (desiccated) 7 Grs. With excipients and fillers. Certified color added to coating. Direction: 6 tablets daily or as directed by your doctor, as a source of kidney substance. There are no scientific data available to indicate that the desiccated glandular substance in this product are physiologically or therapeutically active."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the label of the article failed to bear adequate directions for use since it failed to reveal the diseases or conditions of the body for which the article when used as directed would be effective.

DISPOSITION: July 19, 1949. Default decree of condemnation and destruction.

2796. Misbranding of Nue-Ovo. U. S. v. 9 Bottles * * *. (F. D. C. No. 26563. Sample No. 50406–K.)

LIBEL FILED: February 25, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: On or about January 25, 1949, by Research Laboratories, Inc., from Portland, Oreg.

PRODUCT: 9 1-pint bottles of *Nue-Ovo* at Walla Walla, Wash.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it failed to reveal the diseases or conditions of the body for which the article when used as directed would be effective.

DISPOSITION: July 19, 1949. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

2797. Adulteration of chorionic gonadotropin. U. S. v. 491 Vials * * * (and 1 other seizure action). (F. D. C. Nos. 27020, 27021. Sample Nos. 11294–K, 11296–K.)

LIBELS FILED: April 21, 1949, Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about December 17 and 24, 1948, by Associated Ross-Good Laboratories, Inc., from Philadelphia, Pa.

PRODUCT: 561 10-cc. vials of *chorionic gonadotropin* at Brooklyn and New York, N. Y. The product was invoiced as "Chorionic Gonadotropin."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported to possess since it was for parenteral administration and was not sterile.